

4-180412

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
CMA-CGM (AMERICA), INC., now known
as CMA CGM (AMERICA) LLC,0812018012
07 Civ 6540 (NRB)

Plaintiff,

- against -

SILVER LINE MOTORS, and
ISMAIL ELABDALLAH,Defendants.
-----XMEMORANDUM OF LAWFacts

This action was commenced seeking \$99,072.94 in unpaid ocean freight and tariff regulated pre-loading detention charges. Defendants were served on January 18, 2008, and failed to answer. Since the inception of the action, the amount due has been reduced to \$80,256.00 in principal.

POINT I

THE COURT MAY ENTER
A DEFAULT JUDGMENT

Under Fed.R.Civ.P. 55(b)(2), the Court may enter a judgment by default, so long as the Court, in its discretion, can ascertain from the facts set forth in the Complaint that a judgment is warranted. Au Bon Pain v. Artect, Inc., 653 F.2d 61, at 65 (2d. Cir. 1981). Plaintiff submits that the affidavit of Gregg Gendron, together with the Complaint, Bills of Lading and invoices satisfies the requirement of sufficient proof of the accuracy of the allegations of the Complaint.

AFFIDAVIT OF SERVICE BY MAIL

CITY OF NEW YORK)
STATE OF NEW YORK) SS:
COUNTY OF NEW YORK)

upon the following:

Ismail Elabdallah
Silver Line Motors
2619 Shaver St.
Pasadena, TX 77501

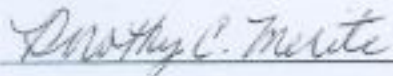
William A. Petersen, Jr., Esq.
277 East Peterson Loop
Livingston, TX 77351

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (these) being the address(es) within the State designated by him (them) for that purpose upon the preceeding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.



Sworn to before me this
9th day of July, 2008



DOROTHY C. MERITE
Notary Public, State of New York
No. 31-4961997
Qualified in New York County
My Commission Expires 12/31/2011